
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Wooton

HB No. 28

Abstract: Provides for the release of certain defendants on unsecured bail without proof of a security interest during emergency sessions of court.

Present law provides for the establishment of emergency sessions of court during defined states of emergency and for specific purposes.

Proposed law retains these provisions of present law.

Proposed law provides that an affected court conducting emergency sessions of court outside of its parish or territorial jurisdiction may release a defendant on bail through an unsecured personal surety without proof of a security interest if all of the following conditions are met:

- (1) The defendant was arrested for an offense which is not excluded by proposed law.
- (2) The personal surety meets the requirements for a secured personal surety.
- (3) Proof of a security interest cannot be obtained due to emergency or disaster circumstances as provided for in present law.
- (4) The court requires that the unsecured surety be converted to a commercial surety or secured personal surety as soon as proof of security interest can be obtained, or within 30 days of issuance of the unsecured bail, whichever occurs earlier. If proof of a security interest cannot be obtained due to emergency or disaster circumstances, the court may extend the period to obtain proof of the security interest for additional 30-day increments as determined as necessary by the court.

Proposed law provides that it shall not apply to any defendant who has been arrested for any of the following offenses:

- (1) A crime of violence.
- (2) A sex offense.
- (3) A felony offense, an element of which is the discharge, use, or possession of a firearm.
- (4) A violation of state law prohibiting the operation of a vehicle while intoxicated, or a

parish or municipal ordinance that prohibits operating a vehicle while intoxicated, while impaired, or while under the influence of alcohol or any controlled dangerous substance.

(Adds C.Cr.P. Art. 957)